

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JASON NISSEN,

Defendant.

17-CR-477 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 23, 2021, Haydee Nissen filed an appeal from this Court's February 8, 2021 Order of interlocutory sale of 82 Woodhollow Road, Roslyn Heights, New York 11557. Dkt. 140. Also on February 23, the Court solicited the Government's views on whether and to what extent Ms. Nissen's appeal divested the Court of authority with respect to the interlocutory sale order. Dkt. 141. On March 8, 2021, the Government filed a letter in response. Dkt. 142. The same day, Ms. Nissen, via email to chambers, requested an opportunity to respond and, in the event that the Court did not find its Order to have been stayed by the fact of Ms. Nissen's appeal, to seek a stay from this Court during the pendency of the appeal.

The Court finds that Ms. Nissen's filing of an appeal does not stay the interlocutory sale order. That order, including the interlocutory sale date, remains in force. The parties differ as to the extent to which the Court would have the authority, during the appeal, to expedite or defer the interlocutory sale date. But that issue is not ripe and there is no occasion now for the Court to address it, insofar as no request is pending to modify that date in either direction.

Ms. Nissen is at liberty to move to stay the interlocutory sale order pending appeal. The Court, however, will not entertain such an application except upon receipt of a sworn declaration

from Ms. Nissen chronicling with specificity all steps she has taken to comply with the Court's February 8 Order. That declaration should set out, by date and amount, all payments she has made pursuant to the Order and should attach documentary corroboration.

The Court grants Ms. Nissen's request to respond so as to request such a stay. Her response, and the required accompanying sworn declaration, are due March 16, 2021.

The Court schedules a telephonic conference as to the anticipated request for a stay on March 19, 2021, at 2:00 p.m. The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 9, 2021
New York, New York